

The Senate has a renewed responsibility to do better. Each State's constitutional right to determine medical practice exists whether the Congress agrees or disagrees—to put it bluntly, whether Congress likes it or not. Congress cannot only respect the principle of States rights when it thinks the State is right. In the same way, the checks and balances the Founding Fathers set among the executive, legislative, and judicial branches, those powers are not up for negotiation because they produce an outcome that is unacceptable to some Americans. Before acting, the Senate ought to consider the very nature of federalism that has brought and held our States together for more than two centuries. Then the Congress should think carefully about whether it makes sense to tear down a basic pillar of our national contract.

This body writes Federal laws. If the Senate does not like the effect of a Federal law, our prerogative is to change it. But it is not the Senate's prerogative to play constitutional chicken when matters happen outside of our jurisdiction. That is true no matter how strong our personal passions may be.

I have fought for the rights of my State and its voters to decide the issue of physician-assisted suicide at home in Oregon. As I make this point, I want to point out that I voted twice against this law as an individual citizen. On two occasions, I cast my personal ballot against legalizing assisted suicide in my State. In addition, I voted against Federal funding of assisted suicide as a Member of this body. But the people of my State have spoken on an issue they have a right to decide at home in Oregon. As I have said in this body, I intend to defend their right to make that decision in every way I can.

In the case of Ms. Schiavo, I believe that Floridians, through their representatives in the State legislature, deserve the same leeway to decide such medical matters for themselves. When Congress ignored the fact that Florida's legislature was still working on the case and ignored the right of the State courts to rule, it sought to weaken Florida's rights, Oregon's rights, and the rights of every State in our Nation. Any legislation this body passes now should not pose the same constitutional threat. The legislation I have outlined today will not, and I will oppose any legislation that does so again.

It is an imperfect process even for States to rule on medical matters. End-of-life issues are about the heart and the head, about our personal morals as well as the law. Letting States decide is the rule of the Constitution I have sworn to uphold, and I intend to stand up for that principle. It is a critically important principle that the Senate stand for. And it is a principle that ought to dictate our actions before any legislation comes to a vote on the floor. In hearings this week—and in any part of the legislative process—there are responsibilities to fulfill be-

fore the Senate acts or there is a risk of gravely irresponsible legislation.

The Senate should ask: Does any legislation on end of life meet key tests? Does it clarify and expand and ensure the choices that individuals and families can make? Does it aid in the honoring of those wishes once expressed, whether those wishes are to have life sustained or unwanted treatments withheld? Does it protect the rights of those in the disability community and those who are incapacitated, particularly when they have not had the opportunity to make their wishes known? Does it speak to more than the political debates of the moment and truly take in hand the basic issues at the end of life? Does it contribute to less pain, better care, and more peace for those at the end of life? Does it fully meet the responsibility of the Senate without usurping the constitutional role of the States and the judiciary? And finally, does it meet the obligations of the Senate to the American people without extending our reach into their personal lives?

The Senate has an obligation to learn from the events of the last 2 weeks. Before acting, let us think. The Senate has been called the world's greatest deliberative body. Let us now be more deliberative as we dare to approach issues that are more intimate and more personal than any others we could discuss.

The truth is, Americans' end-of-life choices should not be made by strangers in the Congress, pushed by the passion of one case or the political priorities that press on every side. Americans are going to continue to wrestle with end-of-life care for themselves and their loved ones for as long as breath is drawn on this soil. Americans will bring all they have to bear ethically, morally, and spiritually to make the best decisions for themselves and to honor the decisions of their loved ones. The Senate must equal their effort and do its duty with honor for those at the end of life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in at the moment?

The ACTING PRESIDENT pro tempore. The Senator from Florida should know that we are in morning business and there is a 10-minute limit on the Senator's remarks.

USS "JOHN F. KENNEDY"

Mr. NELSON of Florida. Mr. President, I want to inform the Senate I am introducing a bill today that I will offer as an amendment to the supplemental funding bill for defense which is supposed to come out of the Appropriations Committee this week and will be coming then more than likely to the floor next week. This supplemental appropriations bill is a must-pass bill because it contains the funding for additional expenses on the war in Iraq. As

such, it becomes a vehicle through which I can try to attach an amendment that would have a significant policy effect upon our defense posture.

It is no secret that a number of us have joined in opposing the Pentagon's plans to scrap one of our 12 aircraft carriers. The aircraft carrier they have selected is the *John F. Kennedy*, which is home ported at Mayport Naval Station, which is in Jacksonville, FL. Naturally, I speak for the interests of Jacksonville and the State of Florida, but I speak with a much larger vision about the defense interests of our country.

For example, if the Pentagon, which I think has made a wrongheaded decision on budgetary reasons—they think it is going to save them a billion dollars when in fact it is not, but even so, if that were true, in the middle of a war is not the time for us to be reducing our ability to protect our forces around the world with these floating air fields that we call aircraft carriers. And we only have 12. The Pentagon is proposing to scrap one of the 12.

There is another reason. As a result of the announcement that was made by the Navy this past Friday night after business hours, the Navy is going through with the plans on the *Kennedy* by scrapping the plans for rehabbing it in dry dock. It is not a surprise, but it is a confirmation that it is the *John F. Kennedy* they are planning to axe. The significance of this from a defense posture is that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don't keep all of your carrier assets in one place. Spread them out.

It is no secret that when a terrorist is looking to do some damage of closing up a port, particularly a port that is upriver such as Norfolk, with some one or several carriers that could be in port, just sinking debris in the channel could close up the port. That is not the defense posture we want.

So there is no one who is in the uniformed military who thinks you should not spread your assets. As a matter of fact, on the west coast, on the Pacific fleet, we have three ports for aircraft carriers. The response is: If you are going to scrap the *Kennedy*, which is a conventional carrier, powered by oil, why not then take one of the nuclear carriers and put it down at Mayport Naval Station and you have achieved the same thing? That would be good, but it is going to take, according to testimony in the Armed Services Committee, a minimum of 5 to 7 years before that could happen because of the environmental impact statement that first has to be done and then, secondly, the reconfiguring of the docks and the other facilities to be able to handle a nuclear-powered carrier. The result of this is that for 5 to 7 years you do not have another home port for a nuclear